

FILED

AO 106A (08/18) Application for a Warrant by Telephone or Other Reliable Electronic Means

United States District Court
Albuquerque, New Mexico**UNITED STATES DISTRICT COURT**for the
District of New MexicoMitchell R. Elfers
Clerk of CourtIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
Deoxyribonucleic Acid (DNA)
Bruce TOLEDO, year of birth 1959

Case No. 23mr1432

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANSI, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
Attachment Alocated in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):
Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offenses committed in Indian Country	Offense Description
18 U.S.C. § 1153	Aggravated sexual abuse	
18 U.S.C. § 2241(a)(1)	Sexual Act; Defined	
18 U.S.C. § 2246(2)(A)		

The application is based on these facts:
See attached affidavit, incorporated herein by reference.☒ Continued on the attached sheet.☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

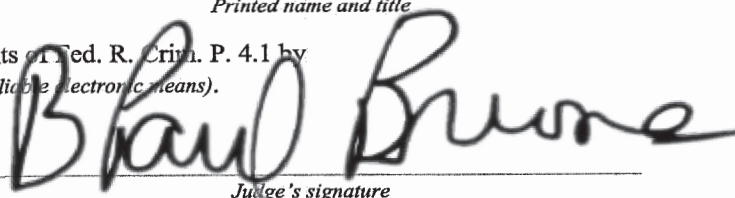

Lorraine Hardy, Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
Telephonically Sworn and Electronically Signed (specify reliable electronic means).

7/26/2023

Date: _____



Judge's signature

B. Paul Briones, United States Magistrate Judge

Printed name and title

City and state: Farmington, New Mexico

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF THE SEARCH OF:
Deoxyribonucleic Acid (DNA)
Bruce TOLEDO, year of birth 1959

Case No. _____

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT

I, Lorraine Hardy, being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal

Rules of Criminal Procedure for a warrant to search the person of Bruce TOLEDO, year of birth 1959, for the purpose of obtaining deoxyribonucleic acid (DNA) by collecting oral (buccal) swab samples according to the standard practices and procedures employed by the FBI for DNA testing and comparison. Based on the facts set forth in this affidavit, there is probable cause to believe that TOLEDO violated federal criminal statutes, including but not limited to U.S.C. 18 § 1153, crimes committed in Indian Country, U.S.C. Title 18 § 2241(a)(1) and 2246(2)(A), aggravated sexual abuse. TOLEDO's DNA will provide evidence of such crimes.

2. I am currently serving as an FBI Special Agent assigned to the FBI, Albuquerque Division, Farmington Resident Agency, where I primarily investigate crimes that occur in Indian Country to include homicide, aggravated assault, child sexual assault, kidnapping and rape. I have been with the FBI for approximately 4 years. I have received on the job training from other experienced agents, detectives, Indian Country criminal investigators, and tribal police officers. My investigative training and experience includes, but is not limited to, processing crime scenes, conducting surveillance, interviewing subjects, targets, and witnesses; writing affidavits for and executing search and arrest warrants; examining cellular telephones; managing confidential human

sources and cooperating witnesses/defendants; serving subpoenas; collecting and reviewing evidence; and analyzing public records.

3. This affidavit is based upon information reported to me by other federal, state, and local law enforcement officers during their official duties. Throughout this affidavit, reference will be made to law enforcement officers. Law enforcement officers are those federal, state, and local law enforcement officers who have directly participated in this investigation. This affidavit is also based upon information gained from interviews with cooperating citizen witnesses, whose reliability is established separately herein.

4. This affidavit is intended to show there is probable cause for the requested search warrant and does not set forth all of my knowledge about this matter. The statements in this affidavit are based on my personal knowledge, information that I have received from other law enforcement personnel, and from persons with knowledge regarding relevant facts. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth facts that I believe are sufficient to establish probable cause to obtain the requested warrant.

PROBABLE CAUSE

5. On July 8, 2023, Federal Bureau of Investigation (FBI) Farmington, Resident Agency, was notified by NNDCI of an adult sexual assault that occurred in Upper Fruitland, New Mexico. B.G. (hereinafter referred to as JANE DOE), year of birth 1970, was held against her will by BRUCE TOLDEO (hereinafter referred to as TOLEDO), year of birth 1959.

6. According to reports received from NNDCI, on July 4, 2023, TOLEDO locked JANE DOE in his residence (hereinafter referred to as the SUBJECT PREMESIS), described by JANE DOE as a white camping trailer with green strips, in Upper Fruitland, for three days. TOLEDO repeatedly raped JANE DOE. JANE DOE was able to escape on July 7, 2023 and run over to TOLEDO's brother's house for help. TOLEDO's brother, E.T. (hereinafter referred to as

WITNESS ONE), year of birth 1963, drove JANE DOE to her friend's (hereinafter referred to as WITNESS TWO), year of birth 1949, house in Farmington. WITNESS TWO called police and JANE DOE was taken to San Juan Regional Medical Center in Farmington for treatment.

7. Navajo Nation Criminal Investigator and FBI interviewed JANE DOE on July 8, 2023. According to Jane Doe, TOLEDO told her he had been in jail in Las Cruces for absconding, until November 2022. JANE DOE was aware TOLEDO was a felon because he had done prison time, but she was not concerned about it. JANE DOE was convicted of a felony DWI in 2018 and had also served prison time.

8. After being released from prison, TOLEDO reached out to JANE DOE on Facebook, asking for her help. TOLEDO had helped JANE DOE's husband, prior to his death in 2019, when he was sick and battling cancer, so JANE DOE wanted to help TOLEDO. TOLEDO and JANE DOE text messaged and called approximately two times a day since TOLEDO's release from prison via their cellular telephones. JANE DOE believed TOLEDO and JANE DOE were friends, she knew him since she was sixteen years old. JANE DOE purchased groceries for TOLEDO and gave him money. TOLEDO agreed to repay JANE DOE after he received his oil money from his family's land.

9. Prior to the incident in June 2023, JANE DOE's son in law A.B. (hereinafter referred to as WITNESS THREE) drove her to the SUBJECT PREMESIS to see where TOLEDO was living. WITNESS ONE lived across the street and came over to talk. WITNESS ONE asked JANE DOE what she was doing with TOLEDO. WITNESS ONE told JANE DOE TOLEDO was going to do something to her and she should not be hanging out with him. JANE DOE did not believe TOLEDO would hurt her and believed WITNESS ONE just did not want her hanging out with TOLEDO. After a short visit with TOLEDO, WITNESS THREE, drove JANE DOE home. JANE DOE had only been to TOLEDO's residence one other time prior to the incident but TOLEDO was drunk so she left.

10. TOLEDO did not have a vehicle so WITNESS ONE drove him to JANE DOE's apartment to pick up an air conditioner she had given him. TOLEDO talked JANE DOE into going back with him to the SUBJECT PREMESIS to install the air conditioner. JANE DOE believed TOLDEO was going to repay her the money he owed her and find her a ride home. WITNESS ONE dropped TOLEDO and JANE DOE off at the SUBJECT PREMESIS around noon and left. TOLEDO brought out a bottle of whiskey and the two of them started drinking the whiskey.

11. Around dark, TOLEDO did not say anything to JANE DOE about getting her a ride home so JANE DOE asked TOLEDO when he was going to find her a ride home. TOLDEO grabbed JANE DOE by her wrist and drug her inside the SUBJECT PREMESIS. TOLEDO and JANE DOE were both intoxicated from drinking whiskey. TOLEDO took off JANE DOE's clothes and hid them from her. TOLEDO dragged JANE DOE into his bedroom and raped JANE DOE on his bed. TOLEDO raped JANE DOE anally and vaginally approximately four times a day for three days. JANE DOE told TOLEDO multiple times to stop and take her home, but he did not. TOLEDO told JANE DOE she was his now his wife. JANE DOE told TOLEDO she did not belong to anybody. TOLEDO got angry at JANE DOE. JANE DOE was afraid of TOLEDO and did not want to make him angrier.

12. Prior to the incident, TOLEDO had messaged JANE DOE on Facebook telling her he loved her. JANE DOE told TOLEDO she did not love him like that and just wanted to be friends. JANE DOE talked to TOLEDO about their relationship on many occasions when TOLEDO was sober and believed they were just friends. JANE DOE did not expect this kind of behavior form TOLEDO and she did not know what to do.

13. When TOLEDO would leave the SUBJECT PREMESIS, he would put a yellow or red screwdriver through the lock of the door on the outside so JANE DOE could not leave. TOLEDO would reach his arm through the front window and remove the screwdriver from the lock. JANE DOE attempted to remove the screwdriver herself when TOLEDO was not looking but could not reach it.

14. JANE DOE believed she had left her cell phone in WITNESS ONE's truck. JANE DOE told TOLEDO to go look for her cell phone so she could call for a ride home but TOLEDO told her no. TOLEDO had his cellular phone, but it was dead. TOLEDO did not have electricity to charge it. JANE DOE told TOLEDO to go over to WITNESS ONE's house to charge his cell phone and he told her no, WITNESS ONE did not like him.

15. JANE DOE was able to escape on Friday morning when TOLEDO went outside and left the door unsecured. JANE DOE was able to locate some of her clothes, get dressed quickly, and cover up with a blanket before TOLEDO came back and noticed she found her clothing. TOLEDO would only be gone approximately five minutes at a time. TOLEDO went back outside to smoke a cigarette, and JANE DOE ran out the front door toward WITNESS ONE's residence. JANE DOE did not tell WITNESS ONE what happened because she was afraid WITNESS ONE would not give her a ride back to Farmington. WITNESS ONE drove JANE DOE to WITNESS TWO's residence in Farmington. JANE DOE did not want to go back to her residence because she was afraid TOLEDO would find her.

16. On July 7, 2023, JANE DOE was treated at San Juan Regional Medical Center for her injuries. JANE DOE told hospital staff she was sexually assaulted and held hostage at the subject's home. JANE DOE complained of back, head, wrist, and vaginal pain. JANE DOE received three x-rays of her right wrist and two of her back. No obvious displaced fractures were noted on the x-rays. JANE DOE was provided with written treatment instructions for her wrist, back and sexual assault. JANE DOE was scheduled for a Sexual Assault Nurses Exam (SANE) the following morning at 9:00 AM.

17. The following morning JANE DOE did not show up for her SANE and law enforcement was notified. JANE DOE told law enforcement she did not want to go to her SANE because she did not want to press charges against TOLEDO. JANE DOE lived with her daughter and grandchildren and TOLEDO knew where they lived. JANE DOE was afraid TOLEDO would

come after her and hurt her or her family. JANE DOE believed TOLEDO would not hurt her if she did not report him.

18. JANE DOE later stated she was in pain and was bleeding from her vagina and agreed to reschedule her SANE. The only available SANE nurse, at that time, was located in Albuquerque, and JANE DOE did not want to go to Albuquerque. The next available appointment in Farmington was on July 12, 2023. JANE DOE decided to wait until the 12th to get her SANE.

19. On July 12, 2023, JANE DOE underwent a SANE at Sexual Assault Services in Farmington, New Mexico. During the SANE, JANE DOE's demeanor was described as quiet, tense, and fidgety. JANE DOE cried while speaking to the nurse. JANE DOE disclosed TOLEDO dragged JANE DOE inside the SUBJECT PREMESIS by her wrist and took JANE DOE to the bedroom. TOLEDO removed JANE DOE's clothing and sexually assaulted her on his bed approximately four times a day. TOLEDO hit JANE DOE in the forehead and held her down by her hair. TOLEDO told JANE DOE to consume whiskey and locked her inside the SUBJECT PREMESIS for three days.

20. JANE DOE's injuries consisted of red bruises around her right wrist, rashes to her breasts, abdomen, and inner thighs. JANE DOE's vagina was swollen, there were abrasions to her labia minora, purple and blue bruising to her interior vestibule. Multiple DNA swabs were taken from JANE DOE's body and submitted for evidence. JANE DOE's underwear and clothing were also submitted for evidence. JANE DOE was provided medication to prevent pregnancy and antibiotics.

21. JANE DOE later showed law enforcement the exact location of the SUBJECT PREMESIS, located on Road 7051, behind NAPI Headquarters near Upper Fruitland, New Mexico. JANE DOE was crying and very emotional when she saw the SUBJECT PREMESIS. JANE DOE also stated she left several personal items behind when she escaped the SUBJECT PREMESIS. The items are described as JANE DOE's Blu Cellular One cell phone black in color, oval shaped diamond earrings, a black short sleeve shirt, black spandex shorts and a pink bra.

22. The incident under investigation occurred within the exterior boundaries of the Navajo Nation Indian Reservation. TOLEDO is an enrolled member of the Navajo Nation. JANE DOE is an enrolled member of the of the San Carlos Apache Tribe.

23. Based on my training and experience, it is possible TOLEDO's DNA is potentially on the DNA swabs taken from JANE DOE's body during her SANE. The DNA swabs in JANE DOE's SANE kit is stored in evidence at the FBI evidence control room in Albuquerque New Mexico, pending forensic analysis. The collection of TOLEDO's DNA, which is the subject of this warrant application, may provide evidence of such crimes.

24. The reported incident took place at TOLEDO's residence located on Road 7051 Upper Fruitland, New Mexico, GPS coordinates 36.641577, 108.190983, which resides in the exterior boundaries of the Navajo Nation Indian Reservation, San Juan County, and the town of Farmington, New Mexico.

CONCLUSION

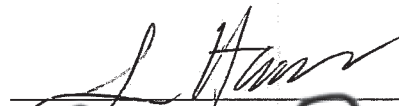
25. Based on my training, experience, and the facts as set forth in this affidavit, there is probable cause to believe that violations of U.S.C. 18 § 1153, crimes committed in Indian U.S.C. Title 18 § 2241(a)(1) and 2246(2)(A), aggravated sexual abuse, were committed by TOLEDO and that evidence of such violations will be found on the person of Bruce TOLEDO, year of birth 1959, in the form of DNA. Said DNA is relevant and material in the context of forensic evaluation with regard to establishing TOLEDO's participation in relation to the present investigation.

26. I respectfully request a search warrant be issued to search the person of Bruce TOLEDO, year of birth 1959, for the purpose of obtaining deoxyribonucleic acid (DNA) to compare with any DNA found on the bedding items mentioned above.

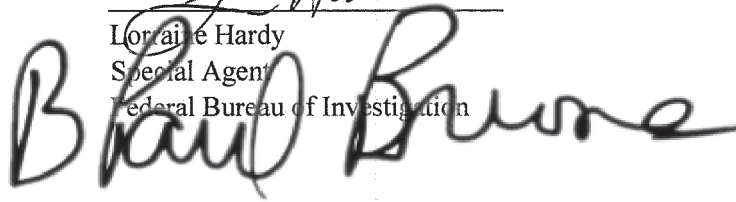
27. Assistant United States Timothy Trembley reviewed and approved this affidavit for legal sufficiency to establish probable cause.

26th

Subscribed and sworn to me on July _____, 2023



Lorraine Hardy
Special Agent
Federal Bureau of Investigation



B. Paul Briones
United States Magistrate Judge

ATTACHMENT A

Bruce TOLEDO, year of birth 1959.



ATTACHMENT B

Property to be Seized

From Bruce TOLEDO, year of birth 1959;

1. Deoxyribonucleic Acid (DNA) Buccal Swab Samples.